IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

OP.No. 28452 of 2000(K)

PETITIONER:

SHERLY, W/O. JOHNSON,
KUZHIKANDATHIL HOUSE, PIRAVOM P.O.

BY ADV. SRI. VIJU ABRAHAM
SRI.VIJU ABRAHAM

RESPONDENTS:
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1. **DISTRICT REGISTRAR,**
OFFICE OF THE DISTRICT REGISTRAR,
ERNAKULAM.

2. **SUB REGISTRAR,**
OFFICE OF THE SUB REGISTRAR,
PIRAVOM.

3. **DEPUTY TAHSILDAR (R.R.),**
TALUK OFFICE, MUVATTUPUZHA.

4. **VILLAGE OFFICER,**
VILLAGE OFFICE, PIRAVOM.

BY GOVERNMENT PLEADER SMT.SMITHA BABU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

OP. NO.28452/2000

ORDER ON CMP. 47852/2000 IN OP. NO.28452/2000

DISMISSED

08.10.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REGISTERED DOCUMENT NO.4026/96 OF S.R.O., PIRAVOM.

EXT.P2:- COPY OF THE ORDER NO.365/96 PVM. DT. 31.1.2000 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE NOTICE DT. 28.8.2000 OF THE 3RD RESPONDENT RECEIVED BY THE PETITIONER.

EXT.P4:- COPY OF THE INTERIM ORDER PASSED DT. 31.8.000 IN CMP. 42377/2000 IN OP. 25177/2000 BY THIS HONOURABLE COURT.

/TRUE COPY/

P.A. TO JUDGE

tss

Thottathil B. Radhakrishnan, J.

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O.P.No.28452 of 2000

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Dated this the 8th day of October, 2007.

JUDGMENT

Government Pleader appears. Service complete.

2. The complaint of the petitioner is that no prior notice or provisional order was issued preceding Ext.P2 final order. Though Ext.P2 states that a provisional order was issued on 16-12-1999, according to the petitioner, no objections could be filed without receipt of such provisional order. In the printed form, Ext.P2, it is stated that certain objections were considered. Obviously, that would not have been, because, even according to the petitioner, no objections are filed.

Under the aforesaid circumstances, this writ petition is disposed of directing that Ext.P2 will be treated as a provisional order and the petitioner will be entitled to show cause on the basis of Ext.P2 and the petitioner's objections on Ext.P2 will be considered by the first respondent and appropriate decision in

accordance with law shall be taken after affording the petitioner an opportunity of being heard. If the decision is adverse to the interest of the petitioner, it shall state its reasons because the decision so rendered will be one against which the petitioner has a right of appeal. Let a decision be taken within an outer limit of five months from the date of receipt of a copy of this judgment. Following the interim order issued in this case, it is directed that there shall be no further action on the basis of the impugned order and all such proceedings will be governed by the decisions that will be issued following this judgment.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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O.P.No.28452 of 2000

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JUDGMENT

Dated:8-10-2007